

**ADVISORY COUNCIL**  
October 14, 2009 Meeting Minutes  
**D R A F T**

**MEMBERS PRESENT**

Patrick Early, Chair  
AmyMarie Travis Lucas, Vice Chair  
John Bassemier  
Bill Freeman  
Jim Trachtman  
Rick Cockrum

**NATURAL RESOURCES COMMISSION STAFF PRESENT**

Stephen Lucas  
Sandra Jensen  
Jennifer Kane

**DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT**

John Davis	Executive Office
Cheryl Hampton	Executive Office
Mark Reiter	Fish and Wildlife
Linnea Petercheff	Fish and Wildlife
Mitch Marcus	Fish and Wildlife
Rhett Wisener	Fish and Wildlife
Dave Kittulca	Fish and Wildlife
Bill James	Fish and Wildlife

**GUESTS PRESENT**

Brent Giaub	Jerry Giaub	Mark Williams
John Goss	George Yazel	Eclucerd Cassed
Joe McLeery	Greg Yazel	Winston Bush
Chad Miller	Holly Hadac	CeAnn Lambert
Chuck Brinkman	Lou Hughes	Eldon Crabtree
Bill Wilson	Bob Hughes	Mick Reindorf
David Higham	Randy Ratz	Tag Nobbe
Tom Jeffries	Jeff Odom	

**Call to Order by Chairman, Patrick J. Early**

Patrick Early, Chair of the Advisory Council, called the meeting to order at 10:40 a.m., EDT, at the Fort Harrison State Park Inn, Post Road, Indianapolis, Indiana. With the presence of six members, the Chair did not observe a quorum.

The Chair reported regarding the October 8, 2009 meeting held in Brookville, Indiana. He said that he, along with Advisory Council member, Bill Freeman, Chris Smith, the Department's Legislative Liaison, and Sandra Jensen, Administrative Law Judge with the Commission, attended the evening meeting. He noted that the meeting was made "difficult due to the lack of communication...and there was a lot of emotion". The Chair said that it was announced to those in attendance at the Brookville meeting that the Advisory Council would not recommend any change to the existing rules governing the Brookville fishery. He also noted that there was "no movement by the DNR or [the Advisory Council] or by anybody else to get rid of the brown trout".

The Chair explained that some of the suggestions received associated with the Brookville fishery recommended rule amendments that would "take something away from one group of people in order to provide something to another group. Although there are merits...to both sides of the argument it becomes difficult for the DNR, in general, and for this body without biological evidence, to make changes" to rules. The Chair said that the Advisory Council is supportive in creating "better trout habitat and improving opportunities" in the Brookville tail waters, but any recommendation would "need to be something that all of the constituents are in agreement, which is the right thing to do".

**Review of Minutes of public meetings conducted by Natural Resources Commission, Division of Hearings staff, for suggestions deferred by the Advisory Council:**

- **Wild Animal Possession Permits; Administrative Cause No. 09-125D**
- **Disabled Hunting Licenses; Administrative Cause No. 09-126D**
- **Fish and Wildlife Area User Fees; Administrative Cause No. 09-127D**
- **Endangered Species Habitat and Reintroduction; Administrative Cause No. 09-128D**
- **Animal Sanctuary License; Administrative Cause No. 09-129D**

Sandra Jensen, Hearing Officer, presented this item. She explained that the Advisory Council deferred topics that had a "minimal" number of suggestions to the Commission's Division of Hearings staff with five public meetings held in total.

Jensen explained that the suggestion associated with disability hunting licenses recommended that a disabled veteran "be able not only to get lower cost regular hunting and fishing licenses with those licenses also to include deer and turkey license". She said the suggestion regarding the fish and wildlife area user fee requested that a new fee be established for those that use the property for other than hunting of wildlife or fishing, such as hiking, bird watching, mushroom hunting, berry picking, etc. Jensen noted that those who buy a license to hunt or fish on these areas are essentially paying a fee with the license purchase. She said that those with a hunting a fishing license would be exempt "across the board and then anyone else that might be using those areas might have to have some kind of card or user fee paid". She said it would need to be based on a random check arrangement, "just like the hunting and fishing license check". Jensen pointed out that the Department explained that some of the properties are funded

federally, and the suggested new fee may introduce “complications” regarding the funds generated by the suggested new fee.

Jensen explained that the suggestions associated with the endangered species habitat reintroduction were varied, and the minutes of that public meeting are self-explanatory.

Jensen said that suggestions to amend the wild animal possession rule are “a little complicated”, but essentially the suggestions recommend that the existing statute that exempts certain entities, such as zoos, that receive accreditation from the American Zoological Association be amended to allow additional entities to be included in an exemption. Alternatively the suggestion was that the statute be amended to remove the exemption entirely, thereby placing full regulation of wild animal possession, including the establishment of any exemptions, within the control of the Department.

Jensen noted that Jennifer Kane, also with the Commission’s Division of Hearings, conducted the public meeting regarding the suggestion that recommended the creation of a wild animal sanctuary permit. Jensen also noted that CeAnn Lambert and Holly Hadac, who submitted the suggestions, were present at today’s meeting.

The Chair asked for clarification regarding the review of the minutes of the five public meetings held by the Commission’s professional staff.

Jensen explained that the minutes will be incorporated into the materials for use by the Advisory Council in its deliberation and recommendations on all the suggested substantive changes.

Holly Hadac stated that she is the Educational Director for the Indiana Coyote Rescue Center, as well as a Michigan wildlife rehabilitator. She explained that a wild animal sanctuary license is needed for those wild animals that are not suitable for release due to habituation “mostly created by an untrained public”. She said that “most people” who possess a wild animal “intend” to release the animal back into the wild. Hadac said that if an animal is non-releasable due to permanent injury, improper nutrition or inadequate caging, the regulations require that the wild animal be euthanized in the absence of a wild animal possession permit.

Hadac said that in the 1980s, Michigan DNR estimated that wildlife rehabilitators in southeast Michigan answered over 30,000 calls from the public each summer. “The government doesn’t want that responsibility or that phone bill. This also illustrated to the DNR the importance of how much both the general public and wildlife rehabilitators cared about our wildlife.”

Hadac said that a wild animal sanctuary permit is “necessary...to lighten the paperwork” for the Indiana’s DNR and the permit holders, and to allow permanent possession of a non-releasable native wildlife. She also explained that the permit should be issued to “cover the premises as long as the sanctuary exists. If the permit covers an individual that has to transfer for a job or a spouse’s job, has to move for an ill relative, or covers an

individual that dies, the sanctuary can still exist when other people in the organization continue its operation. The sanctuary can proceed until the permit is relinquished.”

CeAnn Lambert, President of the Indiana Coyote Rescue Center, noted that she holds twelve wild animal possession permits “in order for me to keep the animals that I have”. She said that “most” of the paperwork associated with the permits is required to be annually reviewed and signed by a veterinarian before filing with the Department. She said that a sanctuary permit would allow for possession of wildlife indigenous to Indiana only and would exclude exotic wildlife. Lambert recommended that wildlife sanctuaries should be inspected annually by the Department, and a fee should be created for a sanctuary permit.

Lambert said that a wildlife sanctuary permit holder should be able to “solicit for funds” for management of the sanctuary. “The public would be more likely to become involved with Indiana wildlife if we did have sanctuaries available.” She said that a wildlife sanctuary would provide a means to care for a wild animal purchased at sales and auctions where a purchaser is no longer able to care for the animal and the animal is non-releasable. “I get about two calls a year from people begging me to take their coyote puppy that they bought in Indiana...I feel these exploited animals should be the responsibility of Indiana DNR since [it] allows the selling of these animals without proper permits in place for the animals that are bought”.

Lambert stated that wildlife residing in a permitted sanctuary would not be allowed to be sold and would only be allowed to be transferred from one licensed sanctuary to another licensed sanctuary. “This would make sure our wild animals were not being sold for private profit to be used as live bait”.

The Chair asked Lambert to provide a brief description of the Indiana Coyote Rescue Center.

Lambert said that she possesses 20 coyotes, twelve are held under wild animal possession permits and the remaining coyotes are held under a game breeder license. She explained that the coyotes are held in 20 x 20 pens that have “dig out” wire installed in the inside perimeter of the pens to prevent digging. She said the pens also have “overhangs” installed on the pens. The coyotes “can’t go over and they can’t go under”. Lambert said that one pen contains three two year old coyotes that were litter mates, two males and one female. She explained that coyotes are not like wolves; “you can’t keep them in a pack situation. I try to keep just pairs; that works out the best, a male and a female.” She noted that some of the coyotes she possesses do not tolerate another coyote in its pen.

The Chair asked whether Lambert’s coyotes are sterilized.

Lambert explained that the male coyotes have vasectomies rather than being neutered in order to allow for “normal coyote behavior”.

Bassemier asked, “Would you suggest that if there is a sanctuary permit, that part of the permit process would be that [the wild animal] should be neutered?”

Lambert answered that animals held under a wildlife sanctuary permit should be sterilized, but “I would prefer the vasectomy and removal of the uterus”. She noted, “One thing I do know is that you can’t keep a neutered coyote with a non-neutered coyote, male and female, because you are going to have bloody fights”.

AmyMarie Travis Lucas asked for clarification regarding permitting the sanctuary rather than a issuing the permit to an individual such as the director of a sanctuary.

Lambert stated, “My concern is my death, as far as my coyotes go”. She explained that Holly Hadac has agreed to be Vice President of the Rescue Center to “take over if something should happen to me”. Lambert said that issuing a sanctuary permit to the entity rather than an individual would assure continuation of the sanctuary in the event of her inability to manage the facility. Lambert also noted that the wild animal possession permits were issued in her name “though I’ve always been concerned about what would happen to my coyotes” being held “just with a possession permit if I were to die”.

**Consideration of recommendation to the Natural Resources Commission for approval of a new nonrule policy document that provides a list of public freshwater lakes in northern Indiana; Administrative Cause No. 08-059W**

Linnea Petercheff, Staff Specialist with the Division of Fish and Wildlife, presented this item. She explained that in 2008 the Indiana General Assembly enacted legislation authorizing the Natural Resources Commission to approve and maintain a nonrule policy statement to list the public freshwater lakes in Indiana. A “public freshwater lake” is governed by IC 14-26-2 (sometimes referred to as the “Lakes Preservation Act”) and 312 IAC 11-1 through 312 IAC 11-5. Petercheff said pursuant to the legislation, the Advisory Council and the Department would make recommendations for creating and amending the nonrule policy document. She added that the list is required to include the name of the lake, county of location, and specific geographic location information.

Petercheff said the proposed nonrule policy document would provide the Department and the public with guidance for permitted activities, such as group piers, underwater beaches, and shoreline alterations on a listed lake to be subject under the Lake Preservation Act. She said the proposed list are those lakes “believed to qualify” as a public freshwater lake north of State Road 26. Petercheff said the proposed public freshwater lake list is an initial effort. The Department has also begun drafting a list of lakes which are qualified as public freshwater lakes and located south of State Road 26..

Petercheff explained that the proposed nonrule policy would be subject to review and modification through administrative adjudications, through licensure actions, and other enforcement actions and determinations. She said the public freshwater lake list “is a good starting point” for reference as to whether or not a lake would be subject to the

Lakes Preservation Act and associated administrative rules. Petercheff said that the list was formulated with input from the Division of Law Enforcement and the Division of Fish and Wildlife.

Bill Freeman asked whether the list included “only natural freshwater lakes”.

John Davis responded, “I think the term is ‘public freshwater lake’, and that does not mean that it might not have a dam or another kind of control structure.”

Steve Lucas, Director of the Commission’s Division of Hearings, complimented Linnea Petercheff “in taking on what is a thankless task”, and added that Petercheff “has been able to carry it forward this far is to her great credit. I suspect we will have more challenges as we go forward.”

Lucas said the term “lake” is central to the development of the nonrule policy document. “Lake” is defined by statute for purposes of the Lakes Preservation Act. Although most lakes regulated under the Lakes Preservation Act are of glacial origin and natural lakes, the statutory definition “does not include the terms ‘glacial’ or ‘natural’.” A lake created by a dam could be properly included in the list. For example, Mt. Zion Millpond in Fulton County is included, and the watercourse “probably didn’t exist as a lake at all until the pond was constructed to service a mill.” Lucas added that the statute requires the lake to have existed as of March 12, 1947. He agreed with Petercheff’s characterization that “mostly what the statute covers” are those lakes in the northern counties, but a lake “farther south could properly be included. We will have to deal with that; and [the Department] has begun dealing with that.”

Freeman then asked, “So, for instance, Brookville Reservoir, since it was built after 1947, would not apply to this particular list?” Lucas answered, “Correct.”

The Chair said, “We appreciate your work. We don’t have a quorum so we can’t really have a vote, but we will move this forward.”

**Consideration of recommendation to the Natural Resources Commission regarding proposed amendments to 312 IAC 9 that govern the hunting of ruffed grouse and wild turkeys; Administrative Cause No. 09-165D**

Linnea Petercheff also presented this item. She provided a brief overview of the proposed amendments to rules governing the hunting of ruffed grouse and wild turkey. The proposed rule amendment to ruffed grouse would reduce the hunting on public lands to only six weeks, although the hunting season on private lands would not change. The bag limit and locations of hunting ruffed grouse would remain unchanged.

Petercheff explained that as stated in past Advisory Council meetings, the grouse population is “extremely low” and that the grouse is experiencing “deteriorating habitat conditions with uncertain prospects for improvement raise concerns about hunting

mortality”. She noted that Steve Backs, Grouse and Wild Turkey Biologist with the Division of Fish and Wildlife, recommends the proposed rule amendment to “start very quickly” to protect the remaining grouse populations in the state. Petercheff said that grouse hunting on private lands remains unchanged to encourage and provide incentive to private landowners to maintain woodlots for grouse habitat.

Petercheff explained that the proposed amendments to the rules governing wild turkeys would increase hunting opportunities. 16 new counties are opened for fall firearm season, with seven counties located in northern Indiana. Other amendments would open all counties statewide for the fall turkey archery season; add seven days to the early archery portion of the fall turkey season; add a second, or late, archery turkey season to “match up” with the late deer archery season, although hunters would be required to wear hunter orange; and the fall turkey firearm season would be expanded seven additional days for southern Indiana. Petercheff noted that the Steve Backs has found that the proposed rule amendments “won’t impact spring harvest” but “are warranted” to provide opportunities for hunters.

The Chair asked whether any Advisory Council member “objected” to sending the proposed rule amendments on to the Commission. No member of the Advisory Council voiced objection.

**Consideration of public comments received through the Fish and Wildlife Comprehensive Rules Enhancement Project regarding fishing (except trout and salmon on the Brookville Tail Waters); Administrative Cause No. 09-086D**

The Chair provided a brief overview of the process of considering the suggestions received through the Fish and Wildlife Comprehensive Rules Enhancement Project regarding the topic category of fishing regulations.

Rick Cockrum, Advisory Council member, commented, “I was overwhelmed by the comments. The fishing public, I think, is ahead of us in policy as to the requests for catfish, bass, bluegill, crappie, trout, small mouth, large mouth to increase size limit and decrease the creel limit. I was very, very impressed with the fishing public. They want to protect the fishery for the future and limit the harvesting. That really bodes well for the direction that we are headed”.

The Chair asked Bill James to provide a brief overview of the status of Indiana’s catfish fishery.

Bill James, Chief Fisheries Biologist with the Division of Fish and Wildlife, agreed with Advisory Council member Cockrum. James said the national trend in the last several years has been for reduced bag limits and increase in size limits “particularly on the long-lived, slow growing” predator fish, such as muskellunge, bass, and big catfish. “These are species that are very difficult to replace.” He explained that with “careful” handling of these fish “they can be recycled, catching these fish over and over again”.

James said that Indiana has three catfish—channel catfish, flathead catfish, and, in the larger river systems, the blue catfish, which can reach over 100 pounds in size. He said that in certain rivers and in the larger rivers, such as the Ohio River, the Wabash River, and the Lower White River, both sport and commercial harvest of catfish is allowed. He said the commercial fishermen are primarily using hoop nets. James noted that Indiana’s catfish harvest regulations “match” Kentucky’s regulations on the Ohio River; “that has certainly lead to questions on resource sharing, partitioning, and conflict over the years where there’s a growing perception, I think, that the commercial fishing may be impacting the quality of sport fishing”. He said the Department continues to have discussions with neighboring states with inter-jurisdictional waters, such as the Wabash River and the Ohio “where we want to be sure that whatever steps we take are uniformly taken by states on both sides of the river. It doesn’t do much good if [Indiana is] more protective” than the neighboring state.

James said the Department is taking a “close look” at the regulations governing catfish harvest. He said that the Department has also, in concert with universities, conducted catfish studies on the Wabash River, and the data from these studies is currently being reviewed. The Department, on an ongoing basis, is “developing what we believe are science-driven, biologically-justified fishing regulatory proposals” for rule amendment.

The Chair asked James to clarify the regulations governing commercial fishing of catfish.

James explained that there are no bag limits regarding commercial fishing for catfish; however, there are specific stretches of Indiana rivers that are designated as “commercial fishing”, such as the Wabash downstream limits from Lafayette down to the Ohio River. He said that the small and medium rivers are not open to commercial fishing. He noted that there has been “a lot” of catch and release of the large catfish by sports anglers, which is “something you did not hear about 20 or 25 years ago”. As sport anglers are targeting the larger catfish, “at the same time they are aware that commercial fishermen are targeting some of those same big fish that are often times sold legally to pay lake operations...The hard to replace big old fish that have been taken out of the public domain and put in a for-profit private operation, and that raises a public policy question on use of the resource”. James also noted that the Department has been reviewing the regulations governing the catfish fishery prior to the comprehensive rule review enhancement project initiated at the end of last year.

The Chair then opened the floor for comment regarding size and bag limits.

Chad Miller, owner of Wildcat Creek Outfitters, commented regarding small mouth bass bag limits. He commended the Department on its actions regarding Sugar Creek, which “has been viewed by those who come to this state to fish with us as very progressive”. Miller said that he has provided guide service for 14 years and grew up on Sugar Creek in Crawfordsville. He commented that the 20-inch size limit and one fish bag limit per day for small mouth bass, which has been in effect for four years, has had an impact on the fishery. Miller said this past summer “we caught a [small mouth bass] 23 inches and well over six pounds, so that is evidence in my mind this has been a success”. Miller



recommended the 20-inch size limit and one fish per day bag limit to continue on Sugar Creek and be extended to the Tippecanoe River. “I would like to see something be done from the 19 miles from the Oakdale dam down the [Wabash River] junction. I would like to see it managed for quality fishing”.

Chuck Brinkman, from Zionsville, Indiana, and resides on the board of Indiana Small Mouth Alliance. “We are after any protection that we can get of [small mouth bass] as well as any protection of the habitat”. He noted that he wades and paddles “a lot” of Indiana streams. Brinkman said that he has noticed impacts to habitat from “big storms”, which introduce sediment levels “beyond anything I’ve seen in 20 years”.

The Chair then opened the floor for comment regarding fishing with shad in bodies of water where shad already exist. He asked Bill James to provide a brief overview of regulations governing fishing with shad.

James explained that the current regulation is that carp and shad, when live, may not be used for bait except at Brookville Reservoir. He said that Brookville Reservoir was developed as an exception “many years ago when it looked like Brookville [Reservoir] was going to be Indiana’s striped bass fishery, true Atlantic striped bass”. He said the striped bass fishery was expanded to Patoka Lake, Raccoon Lake (Cecil M. Harding Lake), and Ohio River. Hybrid striped bass has also been introduced, a man-made hybrid of white bass and striped bass. James noted that Monroe Reservoir is “probably” the “most famous” hybrid striped bass fishery in Indiana.

James said that a Department taskforce, made up of biologists, have reviewed the issue of using live shad. The main concern is how to allow use of live shad for bait without risking introducing shad to waters where shad do not exist. “We unfortunately had gizzard shad show up in a lot of places that they were not distributed by Mother Nature”. He explained that shad is a “great” forage fish that can grow “big” predator fish, if shad is in the right fish community. If shad is in a lake that is basically a bass-bluegill, such as Monroe Reservoir was for 30 years” the shad “get in between the bluegill and the bass,” which decreases the quality of the pan fish. “Bluegill quality fades and then the number of bass decrease; the very opposite of what people that would want to introduce shad had in mind”. He said the Department is “very concerned” about the movement of shad and the introduction of exotic species, such as Asian carp. James noted that at certain lengths shad and silver carp look “pretty much the same” to the untrained eye.

The Chair noted that some of the suggestions requested the use of live shad as bait in the same lake where the shad were harvested.

James said the enforcement of the requested change to allow use of live shad in same lake the shad was harvested would be difficult. “Putting [the shad] on the road is going to be the issue, and that seems to be the potential point of control”.

Rhett Wisener, fisheries biologist at the Cikana State Fish Hatchery, said that gizzard shad carry viral hemorrhagic septicemia (VHS). He said that last year the Department

drafted a rule amendment to include additional lakes to the list of bodies of water (Cecil M. Harding Lake, Monroe Reservoir, Patoka Lake, Lake Freeman, Lake Shafer, and Hardy Lake) where the use of gizzard shad and thread fin shad as live bait would be allowed on those waters where the shad were harvested; however, the rule would not list all bodies of water where shad currently exist. He said that for some bodies of water with shad “we still have the opportunity to do renovations and other management options” to remove or decrease shad populations. He said the proposed rule draft would disallow possession of shad on those bodies of water other than those listed in the rule. The rule would also require that gizzard and thread fin shad collected on bodies of water not listed in the proposed rule be “killed immediately upon capture” and prior to being used as bait. Another proposed amendment in the rule draft would allow the use of live alewife as bait on Lake Michigan only.

Greg Yazel, Greensburg, Indiana and officer of the Indiana Striped Bass Association “the “ISBA”), noted that he was “designated” as spokesperson for some of those present at today’s meeting. He said that he would support the rule draft as presented by Wisener regarding the use of live shad as bait. He said that the ISBA has “tasked itself” in promoting striped bass and hybrid striped bass fishing in Indiana; we do this by advocating and educating anglers on proper catch and release techniques”. Yazel said the ISBA is “specifically” requesting amendment to the rules to allow “live gizzard shad as bait”, but “we are not asking for the changes for all waters in Indiana”. He said the Brookville Lake exception to use live shad as bait should be extended to other “specific” lakes where shad currently exist and “where renovation to rid the shad from the lake would be impossible and where DNR has stocked hybrid striped bass and striped bass”. Yazel commented that allowing the use of live shad as bait would “add more angling opportunities”. Yazel provided the Advisory Council with a 500-signature petition supporting a rule amendment to allow the use of live shad as bait in other certain bodies of water in Indiana as allowed on Brookville Reservoir.

Bill Freeman said, “I find it fascinating that a conservation group like [ISBA] would advocate at all using an invasive species to catch one of your sports fish”.

Yazel said that shad has been labeled as an invasive species. “I assume...that there was no gizzard shad in the State of Indiana at some point in time. But, as I see it, in every major reservoir and lake in Indiana, and for as long as I can remember and been fishing, there has been gizzard shad in those lakes”. He said that shad exist in Monroe Reservoir, and “you will not renovate Monroe Reservoir and get rid of all the gizzard shad; that’s never going to happen...[Shad] are there, so why not utilize the resource that is already there”. Yazel noted that shad are “fragile” and “very hard” to keep alive. He also noted that killing captured shad would “help control the shad population to a certain extent, but I don’t see that as being a factor at reducing populations”.

Craig Nobbe, Brookville, Indiana, said that the “window of opportunity” to catch a striped bass “usually consists of about the first hour in the morning”. He said he has three 30-gallon shad tanks for bait. “You actually have to have a special tank to keep the shad alive”. He noted that “you can’t really catch the shad before you go fishing the same

day”. He explained that when the sun rises, the shad will “move up shallow and spend a lot of time on the surface”. He said the shad can be caught with a cast net, placed in a shad tank, kept overnight, and taken back to the lake the next morning, for that “one hour of opportunity in the morning” to catch striped bass. Nobbe stated that he was “perfectly okay” with a rule amendment that would require the use of live shad as bait in the same body of water the shad was harvested. “If I have to not catch the bait until that morning, I’m not going to be very successful unless I can catch the bait in the lake the day before and have some kind of holding pen within the lake where I actually collect the bait the next day. I don’t know what the answer is, but waiting for that morning to catch bait is not really going to work for me”.

Greg Yazel suggested an increase in the casting net size from a 5-foot radius to 10-foot radius or 20-foot diameter cast net. “If we are bound to catching out bait in the open waters the same day and the same lake, up to 30 to 40 feet deep, our current 5-foot radius net will not be effective at all catching bait”.

Winston Bush said that there “seemed to be some misunderstanding” regarding catfish anglers, pay lakes, and commercial operations “being at war; for the most part, that is not true”. He suggested that a size limit be established for catfish, such as “no fish over ten pounds can be kept in or purchased by a pay lake; that would go some way to prevent commercial fishermen targeting huge flatheads and blues, and then selling them for handsome profits to pay lakes”. He said that he has “witnessed first hand commercial fishermen coming in with boats full of live fish and putting them straight into a fish truck; that fish truck is not bound for market; it’s bound for the pay lake”. Bush noted that he was “not against” pay lakes, and believed pay lakes provide a “valid” service to children, to the infirm, and disabled anglers, but “it’s not necessary for [those] lakes to have 40, 50, 60-pound fish swimming in them”. He also noted that the fish are coming from public waters; “they are not farm-raised fish”. Bush said the larger fish in the pay lakes “usually die while in captivity”. He said the issues regarding pay lakes “need to be sorted out”.

Bush said, “We’ve got to manage this valuable resource”. He said that the catfish fishery in Tennessee’s Cumberland River is “resurging” since Tennessee introduced size limits for anglers and commercial operations. “There is no reason why certain parts of Indiana couldn’t benefit from that sort of thing, too”.

Bush agreed with the recommendation of increasing the cast net size, and said the size limit “currently is woefully inadequate if you are struggling to catch bait. I would strongly second [Yazel’s] suggestion.” He concluded, “I just wanted to let you know that from somebody on the frontline of cat fishing, that the pay lakes are the sole problem, in my view, of why commercial [operations] are tempted to harvest those big catfish, because there is a lot of money to be made”.

## **Adjournment**

The Chair adjourned the meeting at 12:28 p.m., EDT.

**ADVISORY COUNCIL**  
Minutes of September 14, 2009  
**D R A F T**

**MEMBERS PRESENT:**

Patrick Early, Chair  
AmyMarie Travis Lucas, Vice Chair  
Donald Van Meter  
John Bassemier  
David Lupke  
Ross Williams  
Bill Freeman

**NATURAL RESOURCES COMMISSION STAFF PRESENT:**

Sandra Jensen  
Jennifer Kane

**DEPARTMENT OF NATURAL RESOURCES STAFF PRESENT:**

John Davis	Executive Office
Chris Smith	Executive Office
Mike Crider	Law Enforcement
Bill James	Fish and Wildlife
Brian Schoening	Fish and Wildlife
Rhett Wisener	Fish and Wildlife
Jamie Smith	Fish and Wildlife

**GUESTS PRESENT:**

Barbara Simpson	Eric Simpson	Ed Devine
Rob Loser	Brian Nobbe	Paul Nobbe
Ryan Ison	Max Denton	Cookie Calihaa
Wane Monroe	Jerald Rosenbergher	Ken Yedlick
Sen. Jean Leising	John Helton	Craig Nobbe
Chris Schuck	Duane Riddle	Derrick Filkins
Frank Deutsch	Ted Reuss	William Geis
Shafter Sizemore	Bill Deatard	Kate Green
Tracy Morgan	Greg Morgan	Stanley Monroe
Mickey Wilson	John Goss	Rep. Bob Bischoff
Wayne Stemen	Raymond Morris	Nick Schroeder
Jim Vohland	Patti Beasley	Stephen Weber
Jeff Conrad	Todd Settle	Thomas Rosenbergher
Scott McDonough		

**Call to Order by Chairman, Patrick J. Early**

Patrick Early, Chair of the Advisory Council, called the meeting to order at 6:05 p.m., EDT, at The Garrison, Fort Harrison State Park, 6001 North Post Road, Indianapolis, Indiana. With the presence of seven members, the Chair observed a quorum.

Donald Van Meter moved to approve the meeting minutes of August 12, 2009. AmyMarie Travis Lucas seconded the motion. Upon a voice vote, the motion carried.

**Consideration of public comments received through the Fish and Wildlife Comprehensive Rules Enhancement Project regarding fishing-trout and salmon on the Brookville Tail waters; Administrative Cause 09-087D**

The Chair briefly explained the process of considering the suggestions received through the Fish and Wildlife Comprehensive Rules Enhancement Project regarding the subject category hunting birds. He said that 1,000 suggestions were received, and that, “we’ve tried to at least give every single one of those suggestions air time. So, we haven’t looked at anything and said, ‘This is a good idea or it’s a bad idea’. What we are doing is we are basically listening to everything people had suggested.”

The Chair concluded by explaining that after the Advisory Council’s October 14 meeting, the Advisory Council will make a recommendation to the Natural Resources Commission about “items that appear to have merit, which then starts a whole year long process. It’s not something that gets decided in any short period of time.” The Chair said that any rule proposal will take into consideration impacts on persons, biology, costs. “There are all sorts of things that come into play before the Natural Resources Commission would go ahead and start to change any of the rules.”

The Chair explained that the purpose of tonight’s public meeting is to provide an opportunity for persons to express their opinions about the suggestions received. He commented that since there were more than 200 suggestions received associated with the Brookville tail waters, a separate Advisory Council meeting was scheduled. The Chair explained that prior to any rules being changed, “there would be proposals and there would be more public hearings that people would be allowed to testify.”

The Chair explained that there was no rule proposal being considered at tonight’s meeting. He said that an issue has arisen regarding the placement of boulders within the Whitewater River. The Chair said, “That issue was not specifically something that we would have been dealing with as part of our fishing regulations overview. Whether there are boulders in the river or not has nothing to do with the fishing regulations.” The Chair noted, however, that there has been “enough back and forth” about this issue that the Advisory Council “felt like it might be appropriate for people, if they wanted to talk about that...we decided to go ahead and at least open up the issue to talk...about the boulder issue.”

John Davis, Deputy Director of the Bureau of Lands and Cultural Resources, said that the Department of Natural Resources has an interest in all of the suggestions received associated with the Fish and Wildlife Comprehensive Rule Enhancement Project. He explained that the Department of Natural Resources has an interest in impacts to navigable rivers as well as the Department's "landowner in trust" role for the people of Indiana. "We have that kind of neighbor function, as well as any permitting function that we would have for putting things in the floodway or affecting the floodway; that's a separate permitting piece." He said purpose of the Advisory Council meetings involved in reviewing the suggestions is focused on the regulations governing fishing or hunting. "That's really more what we are aiming at, and that is what the Chairman just explained well."

Davis said that the Department, as it relates to the proposed placement of boulders in the Whitewater River issue, "owes being a good and responsible neighbor" to the Brookville Park, Franklin County, and the City of Brookville. He noted that it was his understanding that Central Indiana Trout Unlimited has withdrawn its request to place boulders in the river. He also noted that the Department was "remiss" in scheduling tonight's meeting in Indianapolis rather than a location in the Brookville area. "That's a lesson that we take to heart".

Nick Schroeder, representative of the Central Indiana Trout Unlimited ("CITU"), stated "We are not going to continue the permitting process for the boulder placement at Brookville tail waters. He said a notice of the permit withdrawal was posted to CITU's Internet site. Schroeder said the permit withdrawal was a result of a meeting of CITU and "concerned citizens" from Brookville.

Davis suggested that a discussion regarding river habitat improvement and water-based recreation could occur at tonight's meeting.

The Chair said, "I think we do need to go actually, as we look into this further, we probably need to have a meeting down there with a set agenda where people really know that we are going to talk about habitat improvement and some of the things that could be done...I think that would be a more appropriate setting with plenty of public notice as opposed to talking about it more when we are talking about fishing regulations, which is why we are here".

The Chair asked Bill James from the Department of Natural Resources Division of Fish and Wildlife to provide a brief presentation on the status of the Brookville tail waters.

Bill James, Chief of Fisheries, said the Brookville tail waters is an "amazing" 1.8 miles of stream is "probably one of the most intensively studied 1.8 miles that we have." He said the brown trout fishery is "relatively young", and explained that the Department for the past three years has been involved in providing brown trout from a federal hatchery in Kentucky. He said the CITU, with support from other "trout enthusiasts" in the region, initiated the brown trout fishery. The Department stocks 1,500 rainbow trout in the spring for a "kind of put and take" consumptive trout fishery. Working with trout

enthusiast, the Department has stocked approximately 3,000 brown trout in the Brookville tail waters annually.

John Davis provided the Advisory Council with a schematic of the section of river at issue. He explained that the Brookville tail waters are located at the tail race of the Brookville dam and running under the State Roads 101, 252, and 52 (Main Street extended) down to join the West Fork of the Whitewater River.

James said the tails waters are “special” due to the fish congregating at the tail waters. “There is some fish loss out of [the Brookville] lake into the tail water, which provides some exiting opportunities for kinds of fish that you don’t find in every stream.” He noted that Brookville Lake is “well over” 100 feet deep, and the discharge out of the lake tends to be cold; “that’s what it takes to support trout year round.” James also noted that Indiana has “very few” streams that can support trout year round. James said the tail waters provides “great opportunity” for trout, walleye, small mouth, and a variety of other fish species.

James said that the Department has invested in fish stocking and has conducted fishery and angler surveys. He then introduced the South Region Fishery Supervisor, Brian Schoening, to discuss the “science part” of the Brookville tail waters. He noted that Schoening is a native of Brookville.

Brian Schoening said the Brookville tail waters is a “unique” fishery, in that Brookville Lake is the deepest reservoir in Indiana, and it is a multi-species fishery. He said the lake has been stocked historically with rainbow trout annually. He said that in 2001 CITU requested and was given permission from the Department to stock brown trout in the tail waters. Schoening explained that the Department conducts a brown trout study every summer, and it was noticed that the brown trout were surviving over the winter into spring. With this result, CITU requested an 18-inch minimum size limit on brown trout in 2005, which was codified as a permanent rule.

Schoening said that with the imposition of size limits fish stockpiling can result in the decrease of fish growth. He said that in 2007 the Department contracted with the federal hatchery near Kentucky’s Lake Cumberland to stock 3,000 brown trout as part of a mitigation project. Schoening also explained that the Department worked “closely” with the U.S. Army Corps of Engineers to regulate the temperature of the “day release” of water out of the lake. “Historically, that has been the hold up on maintaining trout year round”. He said summer water temperatures elevate and are too warm for trout to survive. Schoening explained that the Corps is cooperating with the Department in regulating the lake discharge in order to maintain water temperatures favorable to year round trout survival. He noted that the carrying capacity of the tail water is unknown. “Carrying capacities can run anywhere from 50 to 100 trout per acre...It could be that the 1,500 rainbows and the 3,000 brown trout going in there annually is more than it can support, but maybe it can support more”. He said the Department this year started data collection by clipping fins of brown trout that are used for stocking to track growth and survival rate. “So now we can follow that year class, and we are going to do that over

about three years...to make intelligent decisions on how to manage the fishery". Schoening said the "key" to the fishery is to "figure out" the mortality rate of the fish. He said that the mortality rate in stocked brown trout populations can reach 80%. Schoening said the Department has "decent" data on the density of the fishery. The studies show that there are approximately 15 pounds to 90 pounds of trout per acre. "It looks like everything is going fine right now." He noted that the size limit of trout imposed by rule is "more of a social issue than a biological issue."

David Lupke, Advisory Council member, asked whether there were signs of natural reproduction in the fishery.

Schoening answered, "We haven't seen any natural reproduction in the tail water." He said there is "anecdotal" evidence of some small fish that have been caught, but "is that just a small fish from the hatchery or is it natural reproduction?" Schoening noted that the temperature fluctuations and climate in the tail waters is unnatural and would be "unlikely" that the stocked trout would be able to sustain a population through natural reproduction.

Lupke said that he has visited the site twice, and in both visitations he observed "fishermen harvesting stringers of fish, mixed groupings of fish, but quite a few were browns under regulation size." He asked whether there was enforcement of the regulations.

Schoening said the Department conducted a creel survey last year. He said the survey results showed 58 harvested brown trout, with 35 being undersized. Schoening said that the area is patrolled by conservation officers, but "they can't be everywhere all the time."

Bill Freeman asked, "What is the issue then? If they are not going to produce naturally to maintain the population, and we are going to stock every year anyhow to get a population for fishing, is it just a question of what time of the month are we going to run out of fish?"

Schoening explained that the fish are surviving year round. He said there is a rainbow trout "put and take" fishery where 1,500 fish are stocked every year, which "most" are harvested in a "narrow window" of time between late April through the end of May. Schoening said the brown trout are stocked later in the year.

Freeman asked, "Biologically, then, what does it take to have the brown trout to be able to reproduce? Is that where the boulder concept came in?"

Schoening explained that the "boulder concept" was "just an idea that we had to do some fish habitat in the tail water." He explained that the tail water is an altered 1.8-mile long waterway. The waterway is separated from its watershed by the dam. "The inputs that a stream would normally get, such as large woody trees...rocks moving around, it is not happening there". He said there are some areas of the tail water where there is "not ...a



tremendous amount” of features. “The concept is pretty tested where you can increase carrying capacity within a stream by providing additional habitat features.”

John Bassemier asked whether the tail waters were over fished. Schoening said, “I can’t say that it’s over fished. Is it crowded? Yes, probably so...That is not an area that we really have any means to address”.

The Chair reiterated that there is no proposal being considered to change a rule or regulation. He then opened the floor for public comment.

Senator Jean Leising indicated that she resides in Franklin County and represents a portion of the county. She said that Franklin County citizens have contacted her regarding the subject matter. She said, “I know that we are not talking about boulders, but I was trying to figure out in my just common sense mind why we would place 75 boulders in 25 areas within the river when the DNR deemed that portion of the river navigable. But then I found out that the Army Corps didn’t deem it navigable so I was a little confused about that. I think that a lot of people maybe here tonight are still confused about that as well.”

Sen. Leising said that a “bigger” issue may be the proposed prohibition to bait fishing in the river. “Honestly, there are a lot of local people that I think use the river for bait fishing and actually consume that fish. I would hate to see a total ban on bait fishing, and I think a lot of the people that I represent would as well.” She noted that there is “serious concern” regarding potential damage to the Brookville Park if the boulder project had moved forward. “I don’t think we have to talk any more about that tonight, but that certainly was one that I received some very serious calls of concern about.”

Sen. Leising noted that there was a “lack” of information provided to the local community, the Town of Brookville and residents, regarding the project. She said the local community was “in the dark”. Sen. Leising also noted that the boulder project may have a “negative” impact on the recreational canoeing in Franklin County. “Canoeing has been a big deal for Franklin County for several years, and I know there are people here that can better talk to you about that, but I think certainly it would have a negative fiscal impact on the local community in that regard.”

Sen. Leising said, “I hope we can work this out. Obviously, it’s hard, I think, from a common sense standpoint, for local people to figure out why we are making these huge potential changes for fish that are not native and cannot re-populate on their own in that waterway.” She noted that the Department personnel “are much more abreast and knowledgeable” regarding the biological issues, but the community “is confused where all of this is coming from.” Sen. Leising said, “There always are at least two sides to every issue. A lot of times there are three or four at the Legislature, but we need to try to be civil to each other.” She concluded, “We should really take a serious look at doing something that’s not native.”

Sen. Leising thanked the Advisory Council, and stated, “I know the people in the next meeting that I have to leave for that happens to be in Brookville tonight, will be very happy that, at least at this point in time, the boulder project has been halted and that [the Advisory Council is] certainly listening to all sides in regards to the trout”.

Jim Suhre, President of the Brookville-Franklin County Chamber of Commerce and Executive Director of Canoe Fest, which is an annual canoe and town festival, stated that he would, however, speak as a private citizen. He stated that he represented the “Canoe Fest Against the Boulders”. Canoe Fest has no conflict with fishing regulations per say.”

Suhre said, “The whole reason for Canoe Fest is to bring people to the [Brookville] to spend their money. We are looking at incremental dollars pretty much anyway we can. Clearly, a fisherman’s dollar is the same as a paddler’s dollar. So we are not deaf to the idea of economic impact.” He said that in speaking with the canoe liveries, the liveries “alone bring perhaps 125,000 people a year to Brookville.” He noted that “as far as economic impact, we are looking at a ceiling in regards to that stretch of river. I mean there are really only so many people we are going to fit on there.” Suhre said, “I’m here speaking—even though Canoe Fest, per say, has no stake in fishing regulations—to relate to you that my town and county are enraged and they are very, very much against all of this.” He provided to the Advisory Council approximately 200 letters indicating opposition. Suhre also noted concern regarding the lack of newspaper publication of the tonight’s meeting.

Suhre noted an August 7, 2003 report, “*Survey of the sport fishery in the East fork of the Whitewater River Downstream of Brookville Reservoir*” by Doug Keller, the Department’s Aquatic Invasive Species Coordinator. (<http://www.in.gov/dnr/fishwild/3540.htm>). He said the report concludes that the Brookville tail water fishery is “diverse”. Suhre then read aloud portions of the online report.

Suhre concluded, “We have a situation where, because the law doesn’t require you all to notify us, and no one is saying anything improper went on, but because of that particular circumstance, because of the boulders, and because of that, you have many people, for lack of a better term, who are very angry. We respectfully request that you do not change how the river is. We like how it is. That will allow for the coexistence of all groups. And, I implore you to suggest that if you can make suggestions on the law, why don’t you throw a suggestion in on procedure that the Legislature take a look at notification of the towns?” He said, “fact of the matter is, it’s our home and we care a lot about it.”

Representative Robert Bischoff stated that he has been a legislator for 31 years and has represented the area for 31 years. He thanked the meeting attendees for their “strength and energy to come out here this evening and voice your concerns on this very emotional issue for the people of Brookville and the surrounding area...to let this Advisory [Council] know how important this issue is for your quality of life in Brookville and Franklin County”. Rep. Bischoff said that he has received telephone calls and “many” letters addressing the two issues from his constituents, one issue regarding placement of boulders in the tail waters and the other issue regarding fishing regulations.

Rep. Bischoff said that the placement of boulders in the East Fork of the Whitewater River was “unacceptable” noting the impact it would have had on canoe races in Franklin County, “the biggest event in Brookville during the year”. He thanked the Advisory Council for informing the attendees that the placement of boulders in the river was withdrawn. “I appreciate that so much.”

Rep. Bischoff said that the fishery in the Brookville tail waters has “been a treasure for those people there for generations, generations, and generations. A sport they not only like to do; it’s entertainment; it helps feed their families; it’s the joy of fishing. And, now, there is actually conversation that you want to take that away from those people in that geographical area there in Franklin County in the Brookville area”. He asked the Advisory Council to “use good judgment, have your meetings, and take a good long hard look at the issue”. He said the fishery is a resource that “means so much to this group of people that took time out from their busy schedules to come to Indianapolis here this evening. I want to thank you from the bottom of my heart. And, I realize how big an issue this is.”

Rep. Bischoff said, “It was said earlier here that those people do not want change on that issue. They would like to keep it the way it has been for many, many, many years...There is always a compromise...to hopefully work things out, but I can honestly say that in this situation it would be very difficult to have a compromise. I would like to keep it the way it is. For those trout fisherman, if they want to come in there and do what they have done in the past, that’s not been a problem”. He said that the local community “wants to keep that treasure, that resource that they’ve enjoyed for probably centuries. Let’s keep it the way it is.”

Rep. Bischoff said that he chairs the House of Representatives’ Natural Resources Study Committee, and indicated that the Committee is scheduled to meet tomorrow. “I’m going to bring this issue up and let the members know what the issue is here and what has happened. Again, I ask you to use excellent judgment and let’s not change something that’s been such a great asset for the people of that area.”

John Davis explained that the Department issued a statewide news release in February 2009 notifying that the Department was accepting suggestions regarding the hunting and fishing rules codified at 312 IAC 9. He explained that the 1,000 suggestions received were divided into categories based on the number of related suggestions. “I think this one had enough numbers that it seemed that it should be a separate public meeting.” He said the Advisory Council has held public meetings regarding suggestions received associated with hunting deer, hunting and trapping mammals (other than deer), birds, and licenses and permits. Davis said that the Advisory Council is “listening to everyone’s ideas.”

AmyMarie Travis Lucas, Advisory Council member, explained, “If I’m having a clear understanding, I’m understanding that the rules are to be reviewed every so often with public input and with DNR biologists to see if we are managing the resource

appropriately so that it can be prolonged into the future. If we find out something is being over fished or over hunted, that we can address that. And, that's part of the reason that we open this up for public comment." She added, "I just wanted to extend the fact that we are supposed to review these rules every so often. And, the best way we can do that do that is say, 'Hey, what do people think?' But we definitely do not have our minds set to change something or not to change something. Any time we do change things, we would do it based not only public sentiment, but also on sound science."

Bassemier asked, "So, if we get twelve people on a good day down there fishing, why is the State of Indiana spending all the money to put two non-native fish in a stream that it seems that the residents of the area don't even want; they'd just be happy catching the natural fish?"

Davis answered, "I'm not sure we have total agreement on the number of people fishing."

Schoening said the 2008 creel survey indicated that there were approximately 6,000 anglers throughout the course of the creel survey that used the tail waters and 3,000 of those anglers were trout anglers. He said the "typical" dollar amount used to calculate the economic activities from fishing is \$62 per day. He explained that the \$62 is based on a U.S. Fish and Wildlife survey conducted every ten years, which estimates how much a person spends to go fishing (including cost of bait, tackle, gas, lodging, and food). He said the \$62 spent per day translates into approximately \$186,000 of economic impact to the State "not particular to Franklin County".

Freeman asked Rep. Bischoff whether the local citizens "would be just as happy if there were no trout in the river? Do they even care about the trout locally?"

Rep. Bischoff answered, "I really don't want to speak for the residents there. I would rather you ask that question to one of them when they offer testimony. Again, I believe the bottom line is they would like to keep it the way it is now. Again, if there is trout there, fine, but let's let everyone do what they are doing right now."

David Lupke, Advisory Council member, noted that being an angler and a kayaker himself, and stated, "I know that these types of things can coexist quite well, and that habitat improvements on rivers for fish in Michigan have not in any way negatively impacted the recreational canoeists". He suggested that "non-confrontational" meetings be scheduled locally to include all interested parties. "The river is not only a local resource; it's a state resource, and thus, as was stated, the entire state does have an interest in this". Lupke said that the Advisory Council would "benefit" from the feedback from the discussions among all interested parties. Rep. Bischoff said the local community would "probably welcome some kind of dialogue".

The Chair reiterated that the Advisory Council "looked at every suggestion... Our job, as appointed volunteers, is to try to sort through all of these things for the sole purpose of trying to make sure that there are more and better recreational opportunities for people in Indiana. We don't have a dog in this fight. So, we are not here with any preconceived

notion. I want to make it clear; there is not a proposal on the table". He added, "Regrettably, we should have had this meeting in Brookville". The Chair explained that the Advisory Council plans to schedule another meeting in October to be held in Brookville in order to receive additional comment from the local community.

The Chair said that the Department can "certainly engage" in a habitat discussion. "But what we are doing today, we are just hearing both sides of an issue about whether or not there needs to be any changes to the fishing regulations and whether it makes things better for all of our constituents, the people in Franklin County and the people of Indiana." He said, "Let's accept the fact that if there is going to be any habitat discussions, it will be an open forum with DNR...But tonight let's talk about opinions about whether or not there needs to be any changes to the fishing regulations."

Brian Nobbe stated that "he grew up on the river." He noted that the anglers, whether they are fishing for trout or other fish species, have "coexisted up to this point. I'm not sure why there is really even an issue of changing it, because it has been working all the way up until people want to change it." He said the local community "like" to catch trout, but "they like to catch everything else, too." Nobbe said he wants everyone to enjoy the river. "We like the trout, but we just like everybody having access to the river and being able to fish." Nobbe noted that he takes his five children fishing, which involves a fishing rod and hooked live bait. He said that children "are not going to fly fish."

Nobbe said that a park was built on the East Fork of Whitewater River, which provides access to fish. He noted that the West Fork of the river is privately owned. "You don't have to go to the East Fork and ask anybody to fish. You can just go whenever you want and fish as long as you obey the law". He suggested the trout bag limit be decreased to three fish and the length be increased to 20 inches. "I think everybody should have access to the river."

Paul J. Nobbe, from Brookville, stated that he has "seen the river from before the lake and after the lake." He complemented the DNR for the "tremendous" job managing the resource. Nobbe said he owns land along the Whitewater River, and owns, with his three sons, a convenience store near the river. "We would like to continue like it is...I think it's a good deal for everybody, because it's the only trout stream in southern Indiana...The only thing I don't want to see is I don't want a special interest group to come in and ...to make it so it's their own private little river". He concluded, "I would like to see it like it is. I mean, let everybody enjoy the river not just a select small interest group".

Stanley Monroe indicated that he was born and raised in Franklin County. He noted that he has fished in rivers for 53 years, and "I would like to know what the difference is in a hooked fish? Does it make any difference if you hook it with a night crawler or a fly? It's still a hooked fish, right?"

Lupke explained, "Because of live bait, fish tend to take live bait deeper. When they get it into their mouth, they tend to swallow it. An artificial fly tends to almost always gets caught on the outside of the mouth, around the rim of the mouth."

Monroe said that he has seen rivers "crowded", but has "never seen" the East fork of the Whitewater River "crowded at any point." He said, "It seems to me they are wanting to come in and completely control our stream and root us out, the residents of Franklin County. They want to completely take over and then tell us how we can fish in our own stream."

Jim Vohland said that he is a resident of Franklin County. He noted that 1.8 miles of river is approximately 10,000 feet, and controlling the number of anglers on the river "probably would be beneficial in that regard." He said, "I think it has coexisted the way it is just fine for the past few years."

Patti Beasley, representing Reel Women-Reel Men of Indianapolis, a fly fishing club, with 150 members that "frequent" the Brookville tail waters. "I fish it personally several times a week." She said the suggestion regarding "artificial lures and flies only" was directed to protecting the trout fishery. "I keep hearing that the fly fishermen want this and the bait casters want that, and what we are talking about here, I think, or what we are missing is that we want to protect the trout fishery. We have to figure out how to do that". She said the rainbow trout fishery was at one time a "put and take" fishery, but "what happens with the rainbow trout fishery is soon after it is stocked, it is depleted...I know that because I go back and I fish it and I can see a drastic drop in the number of rainbow trout that are left". Beasley said the brown trout fishery is not being protected. "To say that we have a regulation that you can keep a brown trout over 18 [inches] is not really protecting it. Indeed, those fish are being harvested."

Beasley said that she understands the local issues. "Unfortunately, it isn't just about the local people; it is about the State; it is about the people who fish in all different ways; and it's about protecting the trout". She said the Brookville tail waters fishery is becoming "more and more" popular. "It is attracting fishermen from all over...The one thing that we do agree on is that it is a very unique fishery, but that's not enough. We just can't say that it's unique, we have to do something to not only keep it going and make it a wonderful fishery, but also to enhance it".

Beasley said, "It's not the trout fishermen want boulders; it's about we need to start doing something to help Brookville tail waters. We can no longer just dump fish in, have people take them home, and say, 'Oh, Brookville is a great fishery.' It is not unless we maintain it, unless we enhance it, and we take pride in that...I think we need to do that collectively". She concluded that the suggestion for "artificial only" and a "catch and release where you can still have fishing that takes place right below the dam and down at the confluence, but perhaps have a section between the two roads, the bridges, that would be catch and release only that would provide that protection for the brown trout".

Mickey Wilson, a lifelong Brookville resident, stated “When it comes down to it, ...fly fishing versus live bait fishing you are going to generate more money off of live bait fishing than you are for artificial fishing. You have to buy live bait every time you go pretty much”. He noted that he “does a lot” of fly fishing and live bait fishing. Wilson noted that the trout is non-native, but “we all enjoy them...but it shouldn’t be a political debate and it shouldn’t even have to come to this point. Why mess up a good thing? It’s been that way for years; it does not have to change. Nobody has to change anything”. He concluded that since the brown trout are not naturally reproducing and there is annual stocking, “So, why change it.”

Ryan Ison, a resident of Franklin County, noted that he and his family have caught 24-inch brown trout. “As far as that goes, [the brown trout] are maintaining. As far as producing more eggs, that’s pretty highly unlikely”. He noted that the area is a flood zone and the water levels fluctuate. “So, there’s not really a lot you can do other than what we are doing right now.”

Stephen Weber, from Brookville, stated that Brookville Lake was constructed mainly for flood control. “The lake has been very beneficial all the people that live along the river.” He stated that, as a lifelong resident of Brookville, he has observed that the town has “rejuvenated. The people in Brookville take a lot of pride in their town”. Weber said he has “bait fished” the river and has caught a variety of fish including bluegill, small mouth bass, and other species. “I have no interest in fly fishing.” He said, “Since there has been coexistence; and that the people with the trout want to promote their trout and try to work it in to have them do better, that’s fine. If it was approached like that, that would be fine, also.” Weber concluded, “A week after you would decide that we can’t bait fish anymore, there’s going to be ‘no trespassing’ signs put up...We want to preserve this and let everybody come and enjoy this river. I don’t want confrontation; I want everybody to be able to enjoy this”.

The Chair explained that the Advisory Council will schedule an October meeting to be held in Brookville.

Derrick Filkins explained that he manages a fishing-related business, “so I am very attentive to increasing the number of angling days”. He said that Indiana is “not known for fishing”, and increasing angling days increases the amount of money that flows into the state. “It also keeps some of our anglers leaving the state and fishing somewhere else”. Filkins said that he was “in support” of building any kind of fishery in the state that will either keep our anglers in Indiana or bring new anglers in. He said that taking one “small” piece of the river to make it a “very trophy” river is “very attractive” to anglers. “There is an enormous amount of food in the tail water; it will grow fish very rapidly and it will sustain their growth”. Filkins stated that the Brookville tail water is a state resource; “it belongs to everybody in the state of Indiana.” He reiterated that he supports increasing angler days, and when there is a “prime” fishery “people are going to come and use it, especially in the Midwest because we have to travel a long way to do quality fishing”.

Tag Nobbe, a lifelong Brookville resident, said he offers guide fishing on Brookville Lake, which is stocked with muskellunge, walleye, and striped bass. "I know a lot of people travel to Brookville [Lake] just to fish for walleye". He said he and his customers "primarily" fish for walleye. He noted that the trout season begins on the last Saturday in April. "All the other fish...there's no start date and no end date...so there is really no urgency to...get out there". Nobbe suggested that the trout season be eliminated in or to "cut down" on the amount of trout being taken. "If you just don't have a start date, then you are not going to have people rushing down there...to be first".

Jeff Conrad, a member of Trout Unlimited and Indiana Smallmouth Alliance, stated that he is a fishing guide "mostly fly fishing, but I take spin fishermen and occasionally bait fishermen in my boat. I know the mortality rate of bait fishing." He explained that the "kill ratio" on bait fishing is "somewhere in the neighborhood of 32% if the fish is deep hooked." He said he supported the elimination of bait fishing and the use of artificial bait only.

Todd Settle, Brookville resident and member of the Central Indiana Trout Unlimited, said he was commenting as a "concerned citizen". He said that "it seems to be widely understood", that in looking at the resource and the associated scientific data the mortality with live bait fishing is "greatly exceeding" that of using artificial bait. He said Trout Unlimited's goal is to protect the resource, the "cold water" North American fisheries. "Trout Unlimited is not concerned whether someone bait fishes, or spin fishes, or fly fishes." Settle noted that Trout Unlimited in cooperation with the DNR has assisted in river stocking and monitored water temperatures.

Settle said, "If we look at this as a resource, and not at the users of the resource, it appears that eliminating a particular angling technique that has collateral mortality beyond just the harvesting of the fish that that angler is taking home with them, we need to address that because that has far reaching affects on the population of the stream, the efficacy of the programs, and the long life of this resource". He said the suggestion to allow all angling techniques in certain sections of the river and restricting angling techniques in other river sections "is a compromise proposal that takes into account all of the users of the resource and the well being of that resource".

John Helm, Brookville resident, said he has fished the Brookville tail water "many years and bait fished basically all my life". He said the expense associated with fly fishing "would eliminate a lot of people from being able to fish those waters because of the hard economic times we are in". He stated, "I'm not in it for the money; that's not what it is all about. I spent many, many dollars, and will continue to do so, but I really have no reason anymore to get down there and spend my money on this. I guarantee you it is going to be a loss of a lot of income to all the people, the whole community, for people to just to restrict to a certain people and a certain clientele. I can't go down there and spend my money on that". Helm said that restricting a portion of the stream to artificial bait only would "harm me, my friends, and others that I've associated with throughout the years, to limit us on what we can do. And that is going to have a negative impact on the economy".



Kate Green, Brookville resident, said that “being able to work together is a beautiful thing”, but the area that was suggested for restriction “is the entire stretch of the town park, which is where most kids and people want to go and fish”. She noted that the two areas suggested for “no restriction” are located at the dam and the confluence of the East and West Fork of the Whitewater River, which “happen to be the two most dangerous” parts of the river at certain times of the year. Green said that the Brookville Park is “90% of the river, so that’s a hard call to call it a ‘compromise’, in my opinion”.

Harry Graves, Brookville resident, said he was concerned about property rights and the potential impacts caused by amendments to hunting and fishing regulations. “I understand there are differences of opinion whether the river is navigable or nonnavigable. It makes a lot of difference in property rights.”

Ed Devine said he is a member of Trout Unlimited, but was commenting as citizen. He said that the Brookville tail waters became a trout fishery when the trout were first introduced ten years ago. “These trout need to be protected. It’s a unique situation down there”. Devine said that the discussion is not angler versus angler, but is “catch and release and artificials. You can fish and catch and release with anything”. He conclude, “I’m for catch and release, and so is my four year old daughter”.

Nick Schoeder, a member of Central Indiana Trout Unlimited, said, that the Advisory Council should consider that “Brookville is a little bit different than most resources in this state; it’s the only cold water fishery in Central Indiana. We know what it does for brown trout. We know that it brings and attracts a lot of attention”. He noted that the Brookville tail water is “number 15 spot for brown trout fishing in the Midwest in the wintertime”. Schoeder concluded that the tail water is “a special place and it needs special consideration”.

Scott McDonough, a resident of West Harrison, Indiana, he noted that the trout are “anything but a natural resources—two foreign species that have been brought in. They can’t breed”. He said that Brookville Lake is not a natural habitat for trout. “Why would we restrict or create any new restrictions to protect species that are not even a natural resource. It just seems to be beyond the prerogative of something the [Advisory Council] would want to tackle”.

Ryan Ison said that he has observed that since the water temperatures have been changed in Brookville Lake “we have just about destroyed our striper population. I don’t catch near like a used to catch them... You have to weigh it out. Are these trout really benefiting us or is it benefiting us more as Brookville Lake by keeping our striper population up?”

## **Adjournment**

The meeting was adjourned at approximately 8:49 p.m., EDT.